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workplace justice lab@RU

PREFACE

The Worker Empowerment Research Network (WERN) is an interdisciplinary network of labor market researchers who have come together to study worker efforts to achieve greater voice, power, and representation at work, focusing especially closely on efforts pursued by workers of color, women, immigrants, and others who have faced exclusion, discrimination, or marginalization.

This review of the worker organizing landscape is WERN's first research product. The purpose of the review is to paint a picture of the wide range of approaches American workers are taking to express their collective voices in their workplaces, companies, and communities. We hope this will serve as a starting point for discussion and support among leaders of unions, worker advocacy organizations, industry, government, and the broader public.

There could be no better nor more important time to be studying and discussing the future of worker voice, power, and representation in the United States. We write at what could well be a historic moment: Workers across the country are taking actions to assert their voices in both traditional and new ways, and their efforts are being noticed. An increasing number of commentators—in public policy groups, the media, academia, and even the business world—are discussing what should be done to address the decline in worker and union bargaining power that has taken place over the last several decades. The current Biden administration has expressed historic backing for improving worker representation, including through a government-wide effort to encourage federal agencies to support worker organizing and collective bargaining. These developments present an ideal opportunity to put the question of how to rebuild worker voice, power, and representation in ways that match the

needs of the modern economy and workforce "on the table" for broad-based public discussion. Such a discussion is long overdue.

WERN was created to address both these long-term trends and more recent developments. We plan to follow up this landscape review with reports from new national surveys, case studies, and interviews with frontline workers, business leaders, union organizers, and other worker advocates, as well as a series of forums to discuss our research findings. In addition, WERN is working to forge exchanges between labor-focused researchers and the federal government, especially with the U.S. Department of Labor, so that research can inform policy development. To that end, we have established a memorandum of understanding with the U.S. Department of Labor to permit close collaboration and shared learning with agency leaders and staff.

An important objective of WERN is to build a community of researchers who share an interest in the study of worker voice, power, and representation. So we are especially pleased that this review was produced by 12 authors from five universities, including a team of talented Ph.D. students and research associates. Special thanks are also due to Martha E. Mangelsdorf, the director of strategic communications for the MIT Institute for Work and Employment Research, for her skillful and dedicated editing of this review.

EXECUTIVE SUMMARY

American workers are using union organizing, strikes, and other forms of collective action to address their pent-up demand for achieving a stronger voice and representation at work. Their actions are showing the American public the obstacles that workers must overcome to form a union under the election procedures provided in current U.S. labor law.

This report summarizes the research evidence on the size of the voice gap and representation gap workers are attempting to fill and provides examples of different strategies workers are using to address these gaps. By highlighting the wide range of organizing and collective actions occurring across the country, we hope to lay a foundation for a broad-based, multi-stakeholder set of discussions



about what needs to be done to support worker efforts to achieve more equitable, inclusive, productive, and resilient employment relationships.

U.S. Workers' Voice and **Representation Gaps**

Since the passage of the National Labor Relations Act (NLRA) in 1935, it has been the policy of the United States to support collective bargaining through unions that have been chosen by workers as their primary vehicle for gaining a voice in the determination and day-to-day administration of wages, hours, and working conditions. In the decade following passage of the NLRA, union membership grew substantially, both in numbers and as a percentage of the workforce, reaching approximately one-third of the workforce in the mid-1940s. This ten-year period was also associated with a rapid fall in income inequality and an increase in the labor share of national income. Private-sector union membership subsequently declined slowly through the 1960s and 1970s, and has fallen precipitously since 1980. In 2021, union membership in the private sector was down to 6.1% of workers, a level not seen since before passage of the NLRA.

One of the most important achievements of collective bargaining in the decades following World War II is that it produced agreements that shared the gains in the productivity of the economy between workers and their employers. The tandem upward movement in compensation and productivity ended in the 1980s, and there is now widespread recognition that the decline in unions and their bargaining power is one of the causes of the growth in income inequality and the decline in the share of national income going to the workforce.

Given this decline and its consequences, does the American public still support the right of workers to join a union, and are American workers still interested in gaining economic power and a voice through unions and collective bargaining or via other means? The answer is yes, now more than in prior decades. A 2021 national opinion poll by the Gallup organization reported that 68% of Americans approve of unions, a figure that has been rising steadily over the last decade.

A clearer picture of the demand for representation is seen in national surveys that ask workers specific questions about their willingness to join a union. A 2017 national survey of the workforce found that

48% of nonunion respondents would vote for a union if an election was held at their workplace, up from about one-third of the nonunion workforce in comparable surveys from the 1970s and 1990s. This latent demand for unions is even higher for nonwhite, low-income, and less-educated workers.

Follow-up surveys that explored what forms of representation workers want found that workers continue to endorse having collective bargaining either at the level of their employer or in the sector or industry in which they work. They also express strong support for organizations that provide an array of labor market services (e.g., training, unemployment assistance, or retirement and health programs) and for organizations that would provide a voice in workplace processes—for example, by advising management on ways to improve how work is done via workplace-level advisory councils or having workers represented on company boards of directors. Moreover, these are viewed by workers as complementary, not competing, alternatives. Respondents expressed the highest levels of interest in organizations that would provide some mix of bargaining, voice in organizational processes and structures, and delivery of labor market or legal services.

Another set of questions in the 2017 survey asked about the issues that workers believe they ought to have a voice in at work and the amount of voice they actually experience. The difference between the experienced and expected influence reported was termed the "voice gap." A majority of workers report a substantial voice gap on fringe benefits, compensation, promotions, job security, respect, abuse protections, new technologies, and employer values.

Taken together, these data document that the American workforce faces a significant voice gap and representation gap that have persisted for some time. These two phenomena are interrelated: The size of the voice gap is a strong predictor of the interest workers expressed in joining a union.

Union Organizing for Collective Bargaining

How well does the reality on the ground reflect the NLRA's intent that workers should be able to decide whether to form a union of their choosing without interference from employers or other sources? The act provides two routes for unions to gain recognition as the exclusive bargaining representative for a specific group of workers: (1) a majority vote of workers in a representation election supervised by the National Labor Relations Board (NLRB) or (2) voluntary recognition by an employer.

Union organizing drives currently reach only a small fraction of the number of nonunion workers in the private sector and those who have expressed an interest in union representation. This representation gap has widened over time. Recently, however, there has been a significant upsurge in union organizing activities, and many unions are partnering with community groups in seeking to organize more people of color, immigrants, and other marginalized workers.

Union organizing drives typically meet with strong employer resistance, and this resistance reduces the likelihood that the organizing effort will be successful. Unions that use the NLRB election process as the means for organizing are successful in achieving a collective bargaining agreement in less than 10% of cases where the employer resists the organizing effort to the point that an unfair labor practice charge is filed.

Most of the units that unions organize are small and, in cases of multi-establishment employers, usually limited to one establishment at a time. Sometimes, however, organizing efforts that gain visibility in one worksite spur similar actions in other establishments of the same company or industry. A recent surge in highly visible organizing activity, particularly at high-profile companies like Starbucks Corp. and Amazon.com Inc. and in digital media, may be a harbinger that the challenges workers have faced in organizing in recent decades are not insurmountable.

Because union organizing under the NLRA is a difficult, litigious, expensive, and often long process, many unions have sought to achieve union recognition in ways that do not involve NLRB-supervised elections. One popular approach is to seek voluntary recognition from employers by demonstrating that a majority of workers have signed authorization cards designating the union as their representative; another is card check certification, where the employer and the union agree to a date when majority status on authorization cards will be determined and the union certified if it has a majority. Several studies suggest that more workers are now organized in such ways than through the NLRB election process.

Strikes and Work Stoppages

Historically, a union's most important source of power in collective bargaining has been the threat of a strike. From the mid-1950s to 1979, strikes were found to have a positive relationship with the size of the wage increase reached in bargaining. However, that dynamic began to change in the wake of President Ronald Reagan's firing of striking air traffic controllers in 1981; a number of studies found that, after 1980, the relationship between strikes and wage increases declined to zero or turned negative. This was an early sign of what would turn out to be a long-term decline in both the number of strikes and their effectiveness as a source of worker/union power for many unions, with some notable exceptions.

After decades of declining strike activity, a recent wave of worker unrest may be serving as a more potent source of power than many of the strikes in recent decades. A variety of strikes by both union and nonunion workers have occurred over the past few years to protest issues such as low pay, staffing shortages, poor working conditions, and demands for union recognition. While we lack adequate historical data to determine whether this is an increasing trend, it may be so.

Strikes today often take on more of a public face than in the past. For instance, bargaining for the common good is a strategy some teacher unions are using to engage parents and community citizens by expanding worker demands to address community needs related to high-quality public education; in recent years, elements of this approach have been used in a number of teacher strikes, including in Chicago, Los Angeles, Minneapolis, West Virginia, and Kentucky. Other groups use strikes of a short and limited duration to raise attention to worker concerns rather than continuing to strike until a negotiated agreement is reached.

The issues involved in bargaining and strikes appear to be expanding from traditional ones like wages, hours, and working conditions to encompass issues such as new technologies, sexual harassment, diversity and inclusion initiatives, and immigration rights and supports.

However, U.S. labor law continues to make it difficult to strike. State-level labor laws outlaw strikes for many public-sector workers, and the NLRA permits employers to replace workers permanently during economic strikes. These laws continue to impact worker voice and bargaining power.

Worker Centers

Worker centers are community-based institutions that provide support to and organize among communities of low-wage workers. Worker centers are not unions: They do not collectively bargain or organize workplaces for ongoing representation. They are placebased, organizing at the local or regional level, rather than worksite-based, and their work and power-building efforts tend to consist of some combination of service provision, policy and advocacy work, and organizing to address issues that matter to workers. There has been increased attention among worker centers to worker health and safety and immigration in the face of growing anti-immigrant hostilities and the emergence of recent crises like COVID-19 and climate-related disasters.

The number of worker centers in the U.S. began to increase substantially in the late 1990s, and by 2005 there were at least 135 active worker centers in the U.S. As of 2018, there were at least 234 active worker centers; as of the end of 2021, there were at least 246 active worker centers. Almost half of the new worker centers since 2018 are focused on Black workers and are multisectoral.

Worker centers craft innovative ways of raising standards for workers at the margins of existing labor and employment institutions. One example is the Coalition of Immokalee Workers, which successfully pressured multiple national fast food and grocery chains to (a) pay a small premium on produce, which goes to supporting farmworkers; and (b) agree to purchase from farms that have signed a Fair Food Code of Conduct, which guarantees fundamental rights to farmworkers, such as access to water and shade. Worker centers and the federations they are part of also seek to secure protections for workers through local and state policy initiatives and advocacy for broad policy change at the federal level.

Many worker centers are small organizations that rely on funding from foundations or other outside sources, including individual donors and government. Only a small fraction of worker center revenues comes from dues-paying workers. Whether or how worker centers could develop more self-sustaining sources of revenue is a topic of ongoing discussion.

New Organizational Forms and Strategic Innovations in Worker Organizing

In addition to unions and worker centers, a wide

array of efforts have been initiated in recent years to strengthen worker voice in individual occupations, companies, and industries. Some of these have arisen out of frustrations with the difficulties of organizing unions. Others are tailored to address the concerns of workers currently excluded from coverage under labor law. And some reflect the differing preferences workers have for how they express their work-related concerns.

Most of these efforts do not seek to achieve formal collective bargaining rights, although some eventually do so after building a base of worker interest. Some are advocating for a seat at the table in corporate governance through representation on boards or in enterprise or sectoral committees. Some of these initiatives were launched by unions, some by worker advocacy organizations with support from unions, some by advocacy groups acting independently, and some by workers acting on their own. Some have received financial supports from unions, while some rely heavily on financial support from foundations. A few such initiatives are even for profit.

Many of these new approaches to worker organizing use social media communications tools and digital platforms to reach potential participants and to demonstrate that a significant number of employees want to engage their employer or groups of employers on issues ranging from wages and working conditions to company values and policies that go beyond the traditional scope of collective bargaining. For example, Coworker.org offers an online petition site that empowers workers to exercise their voice and push for better working conditions as well as bring greater public awareness to issues and challenges within specific worker communities.

These new organizational forms and strategic innovations in worker organizing are growing in number and involve a wide range of workers, from employees of large high-tech companies to gig workers, many of whom are classified as independent contractors, and low-wage service sector employees. While many of these efforts began as protests in response to specific incidents, there appears to be an increase in interest in building sustainable organizations for asserting worker voices and engaging employers on an ongoing basis. As has been the case with other forms of worker organizing, these efforts often face strong managerial opposition and resistance.

Political Mobilization

A broad range of groups and organizations focus on strengthening and/or defending workers' rights and power by mobilizing support for worker-friendly public policies and/or candidates for public office. Some of the largest political mobilizing organizations, such as the AFL-CIO, have national, state, and local affiliates, while many smaller political mobilization bodies focus on specific occupational groups, issues, and state or local political initiatives. In general, these groups operate separately but often coalesce in supporting specific policy proposals and candidates.

Issues being addressed by social movements, including racial and gender injustice, sexual harassment, and climate change, increasingly overlap with the issues raised by worker advocacy and labor organizations; for example, organizations such as the Sunrise Movement advocate for creating good jobs while combating climate change. This overlap may be offering new opportunities for mobilizing workers, employers, and elected officials to come together to address these challenges in America's workplaces and in society. Given the ongoing political polarization in the U.S., shared workplace experiences may become a basis for political dialogue and bridging partisan divides.

Who's Noticing? Perspectives from Various Groups

The upsurge in union organizing, strikes, and other forms of protest and mobilization occurring across the country has not gone unnoticed. The media, various business groups, think tanks, and groups commissioned to discuss "the future of work" have begun to take note of the negative consequences of union decline and of efforts to fill the void in worker voice and representation. Moreover, a significant number of media organizations have increased coverage of labor and workforce topics following decades of decline in the number of staff devoted to these issues.

Conclusion and Questions for Further Discussion

In summary, both research data and the level and varieties of worker activism tell us that American workers want a greater voice at work and are taking actions to assert their interests, sometimes in ways that bear little resemblance to the forms of organizing and collective bargaining provided under legacy labor laws. Workers have stepped up where systems and policies have fallen short over the last few decades. Under the mounting pressures and long-term effects of decades of stagnant wages, declining unionization and labor power, and, most recently, the COVID-19 pandemic and its economic fallout, workers are using whatever tools and resources are available to them to advocate for desired change on a broad range of workplace and community issues.

Despite visible signs of renewed interest in efforts to rebuild worker power and gain a voice at work, to date this has not yet resulted in major increases in the number of workers covered by a representative organization. Nor is there a broad-based or coordinated social or political movement calling for reforms of labor policies that would support the range of efforts observed in different sectors, for different occupational groups, or for those who mobilize for racial or social justice. The varied nature of collective actions observed today suggests that workers care about a range of issues that include but go beyond wages and working conditions. They are also concerned about the quality of their daily lives and communities and are looking for ways to exercise voice and to advocate for themselves, their families, and their communities.

These developments call for elevating a national dialogue about the future of worker power, voice, and representation—a dialogue that engages all stakeholders who have an interest in building employment relationships that are equitable, productive, innovative, and resilient. We hope this review helps put the future of worker voice and representation on the table for a national discussion. The data, research evidence, and case examples we have presented both demonstrate the need for a broad-based national discussion of how to address the pent-up demand by U.S. workers for voice and representation at work and suggest a number of questions for discussion. You can find these questions on pp. 52-53.

U.S. WORKE

or years, evidence has been building that American workers have a pent-up demand for achieving a stronger voice and greater representation at work. Yet little progress has been made toward this end. Recently, however, the country has experienced an explosion of worker activism, both through union organizing efforts and strikes as well as through collective actions that don't conform to conventional patterns.

This heightened activity offers an opportunity to foster a broad-based public discussion about the forms of worker voice and representation that are best able to meet the needs of contem-

porary workers, as well as the roles public policy, unions and other labor advocacy groups, labor market institutions, and employers can play in meeting these needs. We believe this public conversation is long overdue, and this report is designed to encourage and support such dialogue.

The Context

Research suggests that, in the U.S., there is a significant unmet demand for worker voice and representation and the bargaining power they bring; this unmet demand has persisted for decades and has grown in recent years. The decline in unions and the difficulties workers experience when they try to organize under current labor laws have produced an era of experimentation involving many new approaches to gaining a voice at work, among a broad cross-section of the labor force. Yet to date these experiments have not grown to a scale large or powerful enough to create systemic change. Moreover, efforts to reform and modernize America's outmoded labor law have taken place largely below the general public's radar screen. But the past few years have witnessed an upsurge in media attention to both union organizing drives and new ways to protest and change unacceptable workplace conditions. We believe it is time to highlight the renewal of efforts to organize and gain a voice at work in the many different ways that are playing out across the country. Our hope is to contribute to a long-overdue national debate over how to meet workers' needs in ways that fit the changing nature of work and that contribute to building a more equitable, productive, and resilient democratic society.

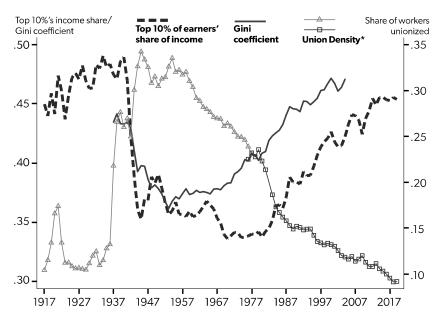
Decline in Union Membership

Since the passage of the National Labor Relations Act (NLRA) in 1935, it has been the policy of the United States to support collective bargaining through unions that have been chosen by workers as their primary vehicle for gaining a voice in the determination and day-to-day administration of wages, hours, and working conditions.1 In the decade following passage of the NLRA, union membership grew substantially, both in numbers and as a percentage of the workforce, reaching approximately one-third of the workforce in the mid-1940s. This ten-year period was also associated with a rapid fall in income inequality and an increase in the labor share of national income. (See Figure 1.) Moreover, income differences between collegeeducated and non-college-educated workers, between white and non-white households, and between owners and workers were all reduced in unionized labor markets. Recent research shows that was not coincidental: During that period, income inequality fell only in those states where union density increased.²

Private-sector union membership subsequently

FIGURE 1: **Union Membership and Economic Inequality**

As a higher proportion of U.S. workers became union members in the decade following the 1935 passage of the National Labor Relations Act, economic inequality, both as measured by the share of income going to the top 10% of earners and by the Gini coefficient, a measure of income inequality, fell. As the proportion of U.S. workers who were unionized declined in later decades, income inequality rose, according to both measures.



*Note: The different shapes reflect different data sources.

SOURCE: Adapted from Henry S. Farber, Daniel Herbst, Ilyana Kuziemko, and Suresh Naidu, "Unions and Inequality over the Twentieth Century: New Evidence from Survey Data," The Quarterly Journal of Economics 136, no. 3 (August 2021), https://academic.oup.com/qje/article/136/3/1325/6219103

declined through the 1960s and 1970s, followed by a more precipitous decline after 1980. As shown in Figure 2, union membership in the private sector fell to 6.1% in 2021, a level not seen since before passage of the NLRA. (Public-sector union membership grew in the 1960s and 1970s and has been relatively stable since then. Adding in public-sector workers brings the 2021 unionization rate to 10.3%.)

It is now widely recognized that the decline in union representation and corresponding decline in workers' bargaining power has had significant negative consequences for workers and the economy. One of the most important achievements of collective bargaining in the decades following World War II is that it led to agreements that shared the economy's productivity gains between workers and their employers. This is illustrated in Figure 3, which shows trends in national

productivity and the compensation of nonsupervisory workers. From the mid-1940s through most of the 1970s, these two measures rose in tandem. But from the 1980s onward, a gap between wage and productivity growth emerged, grew, and persists today. While multiple interrelated forces (technological change, global competition, shifts in management philosophies and practices, etc.) contribute to these developments, many scholars agree that the decline in unions and worker bargaining power accounts for a significant portion of the stagnation of wage growth,³ rise in income inequality,4 and decline in workers' share of national income.5 However, researchers still debate the exact quantitative contribution, as many of those trends accelerate after 2001 with little change in the rate of union decline.

The Representation Gap

Given the decline in union membership, does the American public still support the right of workers to join a union, and are American workers still interested in gaining greater voice through unions or via other means? The answer is yes, now more than in prior decades. A Gallup national opinion poll reported that in 2021, 68% of Americans approve of unions, a rate of approval that has been rising over the last decade. (See Figure 4.)

A clearer picture of the desire for workplace representation is seen in national surveys that ask workers specific questions about willingness to join a union. Figure 5 presents data from a 2017 national survey that found 48% of nonunion respondents would vote for a union if an election was held at their workplace, but from about one-third of the nonunion workforce in the 1970s and 1990s. This latent support for unions is disproportionately in low-income and non-white households.

If extrapolated to the nonunion workforce population, this equates to approximately 58 million workers who would like to join a union if given the opportunity. The same survey reported that 83% of currently organized workers would vote to continue being represented by their union if asked.

A follow-up national study used an experimental survey method known as conjoint analysis to explore the forms of representation American workers prefer.⁷ In that analysis, workers displayed a strong preference for collective bargaining, either at the employer level or across their industry. They also expressed support for organizations that provide an array of labor market and legal services and for organizations that would

FIGURE 2: Union Membership Among U.S. Private-Sector Workers, 1973–2021

Private-sector union membership declined through the 1960s and 1970s, followed by a more precipitous decline after 1980. Union membership in the private sector fell to 6.1% in 2021, a level not seen since before passage of the NLRA in 1935.



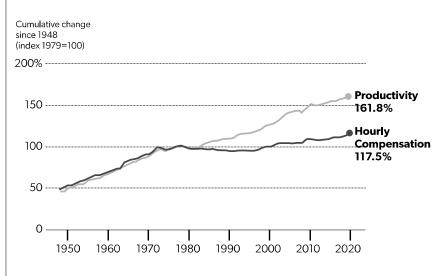
Note: Data for 1982 was unavailable and was replaced with the midpoint of 1981 and 1983.

SOURCE: Barry T. Hirsch and David A. McPherson, www.unionstats.com; and U.S. Bureau of Labor Statistics, "Union Members—2021," news release, January 20, 2022, https://www.bls.gov/news.release/pdf/union2.pdf

FIGURE 3:

Pay and Productivity Growth, 1948–2020

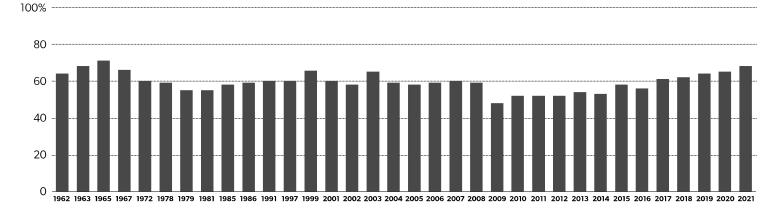
Since the 1980s, compensation for production/nonsupervisory workers in the U.S. has grown much more slowly than productivity has.



SOURCE: Economic Policy Institute, https://www.epi.org/productivity-pay-gap/

FIGURE 4: **Gallup Polls on Americans' Approval of Unions**

A 2021 Gallup national opinion poll reported that 68% of Americans approve of unions, the highest approval level since the 1960s.

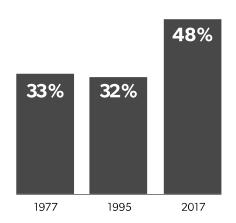


Note: The result shown for 1999 is the average of two different approval ratings (65% and 66%) obtained from surveys in that year.

SOURCE: Gallup, "Labor Unions," https://news.gallup.com/poll/12751/labor-unions.aspx

FIGURE 5: **Percentage of Nonunion Workers Who Would Vote for Union Representation**

A 2017 national survey found 48% of nonunion workers said they would vote for a union if an election was held at their workplace, up from about one-third of the nonunion workforce in the 1970s and 1990s.



Note: Each year's sample excludes self-employed workers. The 1995 sample also excludes all management occupations.

SOURCE: Adapted from Kochan et al. (2018). Based on Kochan et al.'s analysis of 1977 Quality of Employment Survey (Quinn and Staines 1979), Worker Representation and Participation Survey (Freeman and Rogers 1999), and 2017 Worker Voice Survey data. Data for 1995 were pulled from Freeman and Rogers (1999: 99).

provide input to management, whether via workplace-level advisory councils or worker representatives on company boards. Moreover, workers view these options as complementary, not competing: Respondents expressed the highest levels of interest for organizations that provided some mix of bargaining, voice in organizational processes and structures, and delivery of labor market or legal services.

This study also found that workers are less supportive of organizations that campaign for candidates for public office or engage in strikes, with Republicans and nonunion workers less supportive of these actions than independents, Democrats, and union members. A 2020 survey conducted by American Compass reported a similar finding with respect to organizations involved in political campaigns.

The Voice Gap

In addition to questions about formal options for representation, the 2017 survey asked about the work-related issues that workers believe they ought to have a voice on and the amount of voice they actually experience. The difference between the experienced and expected influence reported was termed the

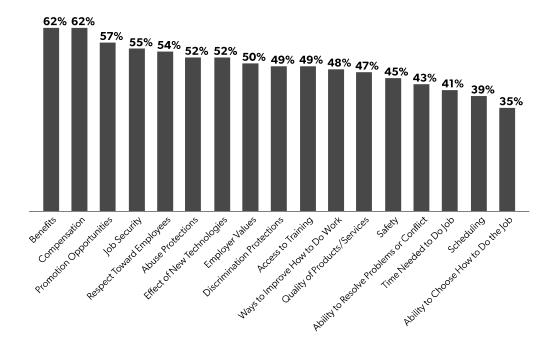
PART I: U.S. WORKERS' VOICE AND REPRESENTATION GAPS

"voice gap." (See Figure 6.) A majority of U.S. workers report a voice gap on fringe benefits, compensation, promotion opportunities, job security, respect, protections against abuse, and the impact of new technologies. From one-third to one-half of workers report a voice gap on a wide range of other issues of interest to contemporary workers, including access to training, how to improve workplace operations, safety, the quality of the products they produce, systems for resolving conflicts, scheduling, and how they do their jobs.

Taken together, these data indicate that the American workforce has a voice gap and a representation gap, and the two are interrelated. The size of the voice gap is a strong predictor of workers' interest in joining a union.8

FIGURE 6: The Voice Gap: The Percentage of Workers with Less Involvement than They Want on Workplace Issues

In a 2017 survey, more than half of U.S. workers reported that they had less say than they thought they should on a number of work-related issues: fringe benefits, compensation, promotion opportunities, job security, respect, protections against abuse, and the effect of new technologies.



Notes: Calculated as the share of respondents who, on a given issue, rate higher on how much say they ought to have compared to how much say they actually have.

SOURCE: Adapted from Kochan et al. (2018). Data based on Kochan et al.'s analysis of worker voice survey.